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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|---------------------------|
| 10/700,425 | 11/05/2003 | Dorothea R. Smith | SMITHD-1 | 5695 |
| 32132 | 7590 | 09/22/2004 | EXAMINER | |
| LAMORTE & ASSOCIATES P.C. P.O. BOX 434 YARDLEY, PA 19067 | | | | WONG, STEVEN B |
| | | ART UNIT | | PAPER NUMBER ³ |
| | | 3711 | | |

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|--------------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/700,425 | SMITH, DOROTHEA R. |
| | Examiner Steven Wong | Art Unit 3711 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/5/03</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Collins (6,619,661). Regarding claim 11, Collins discloses a jigsaw puzzle comprising a puzzle framework (40A-40L) that defines an interior and a plurality of puzzle pieces (30A-30D, 20) that are placed within the framework. Collins discloses arithmetic indicia on both the framework and pieces (note Figure 2). The puzzle pieces are seen as being added upon a life event occurring (the user figuring out the proper solution to the arithmetic equation).

Regarding claim 12, the framework comprises a plurality of framework pieces.

Regarding claim 13, the limitation for the pieces to be directed to life principles relates to the indicia and the meaning conveyed by the indicia. Any differences between the applicant's game and the game of Collins resides in the meaning and information conveyed by the printed matter and such differences are not considered patentable differences. See Ex Parte Breslow 192 USPQ 431.

3. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Guill (4,417,732). Guill discloses a jigsaw puzzle game comprising a framework (11) and a plurality of puzzle pieces (14-23) having indicia thereon. The game includes dice (35) that upon rolling indicate a

particular piece of the puzzle to be placed within the framework. The rolling of the dice is seen as a life event.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (723,425). Regarding claim 1, Thompson discloses a puzzle (note Figure 4) comprising a first plurality of pieces (C) that are joined together to create a puzzle assembly. The limitation for the pieces to be directed to different events that may occur in a person's life relates to the indicia and the meaning conveyed by the indicia. Any differences between the applicant's game and the game of Thompson resides in the meaning and information conveyed by the printed matter and such differences are not considered patentable differences. See Ex Parte Breslow 192 USPQ 431.

Regarding claims 2-4, Thompson provides a second group of pieces (b, d) that are connected to create a puzzle framework for the first plurality.

Regarding claim 5, Thompson provides corner pieces (d) and border pieces (b) that interconnect and central pieces (c) that are placed within the corner and border pieces.

Regarding claims 6 and 9, the central pieces have the same configuration. 103

Regarding claim 7, the central pieces of Thompson present blank spaces about the indicia thereon.

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Regarding claim 8, the different virtues and life principles relate to the indicia and the meaning conveyed thereby. Any differences between the applicant's game and the game of Thompson resides in the meaning and information conveyed by the printed matter and such differences are not considered patentable differences.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson (723,425) in view of Birdsall (1,907,382). Birdsall discloses a puzzle construction including a plurality of pieces having a design on one side and a blank surface on the opposite side for the user to write on. It would have been obvious to one of ordinary skill in the art to have the user write on the back surface of the pieces of Thompson in order to transcribe particular notes about the puzzle thereon. Further, it would have been obvious to one of ordinary skill in the art to provide lines for the user in order to allow the user to write more neatly by following the lines.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guill (4,417,732). It would have been obvious to one of ordinary skill in the art to form the framework of Guill from a plurality of pieces in order to allow the framework to be separated for more compact storage.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guill (4,417,732) in view of Hall, Jr. et al. Hall, Jr. discloses a puzzle construction including a framework (14) having indicia (18) thereon and a plurality of puzzle pieces placed on the framework. It would have been obvious to one of ordinary skill in the art to place indicia on the framework of Guill in order to indicate the proper placement of the puzzle pieces to the user.

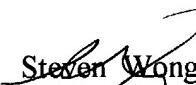
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 703-308-3135. The examiner can normally be reached on Monday through Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven Wong
Primary Examiner
Art Unit 3711

SBW
September 17, 2004